

**SUNNYVALE CITY COUNCIL
OCTOBER 12, 2004**

7:30 P.M.

The City Council of the City of Sunnyvale adjourned from a 5:30 p.m. Joint Study Session with the Heritage Preservation Commission to discuss 2005 Study Issues and Commission Role, a 6:30 p.m. Study Session to discuss Audit Findings and Recommendations regarding the Emergency Preparedness Program and Animal Control Program, and met in regular session in the City Council Chambers, 456 West Olive Avenue, Sunnyvale, California at 7:30 p.m., with Mayor Howe presiding. Following the Council Meeting, the Council met in Closed Session regarding Labor Negotiations, SEA, pursuant to Government Code 54957.8.

SALUTE TO THE FLAG

Mayor Howe led the salute to the flag.

ROLL CALL

PRESENT:

Mayor John Howe
Vice Mayor Dean Chu
Councilmember Fred Fowler
Councilmember Julia Miller
Councilmember Ron Swegles
Councilmember Melinda Hamilton
Councilmember Otto Lee

Staff Present:

Amy Chan, City Manager
Valerie J. Armento, City Attorney
Chuck Schwabe, Deputy City Manager
Robert Paternoster, Director of Community Development
Trudi Ryan, Planning Officer
Ryan Kuchenig, Project Planner
Jack Witthaus, Transportation and Traffic Manager
Susan Ramos, City Clerk

PUBLIC HEARINGS/GENERAL BUSINESS

RTC 04-336 Appeal of a Decision by the Planning Commission Approving a
Special Development Permit and Tentative Map Located at 624
E. Evelyn Avenue for 47 Townhomes

Trudi Ryan, Planning Officer, presented the staff report.

Staff responded to questions posed by the Council regarding landscaping, the five variances, height of the development, and site grading.

Mayor Howe opened the Public Hearing at 9:10 p.m.

Ethelita Wallace, Appellant, presented slides and expressed concerns on the negative impact on the neighborhood, the zoning variances, the setbacks and close proximity to their property, privacy, airflow to existing homes, parking issues, landscaping, and the effect on property values.

Doug Werner, Appellant, presented slides and expressed concerns regarding the height and width of the development, conforming the development to the site, lack of privacy, landscaping, waste disposal pickup, material delivery outside the hours of construction, and dust and debris generated from the construction.

Mayor Howe requested that staff enforce the ordinance regarding hours of construction be applied to delivery of materials as well.

Scott Ward, of Classic Communities, Applicant, requested that the Council approve the application. He stated this site has been zoned for this purpose for over a decade and the project is consistent with the General Plan. He stated he modified the site design after meeting with the neighbors to address their concerns and the project is fully compliant with the building coverage standard and parking requirements. He stated they are willing to make more modifications to improve the plan and address the neighbors' concerns. He responded to questions posed by the Council regarding the elevation, the masonry wall, a contact person, cleanup of debris generated by the project, individual trash pick up, height reduction, grade level, purchase price and homeowner fees, maintenance of the fence, and the construction timeframe.

Christopher Friesen, a member of the public, presented slides and requested that the Council revoke the permit for the project as planned. He expressed concerns regarding the setbacks, the height variance, and privacy issues.

Mo Olson, a member of the public, presented slides and advocated that the project follow City building and zoning codes. She expressed concerns about the impact on property values, privacy and parking.

Ken Mayer, a member of the public, expressed concerns that the project is impacting parking on the south side of Evelyn, and about the increased demand for parking generated from residents of the proposed project.

Vincent Swerkes, a member of the public, expressed concerns regarding parking on the south side of Evelyn being taken away.

Mark Russell, a member of the public, expressed support for the project and the need for affordable housing.

Robin Schneider, a member of the public, expressed concern about the lack of parking with the addition of the new development, the negative impact on the neighborhood, and the height of the development.

Scott Olah, a member of the public, expressed concern about the height of the development, setbacks, parking and traffic. He advocated for the Council to reject the project as proposed.

Tami Olah, a member of the public, advocated for the Council to consider the citizen concerns.

Don Thomas, a member of the public, spoke in support of the project and advocated for good dialog between the developer and neighbors, and for individual trash pick up.

Shiloh Ballard, of the Silicon Valley Manufacturing Group, spoke in support of the project as proposed and the need for affordable housing.

Scott Ward, Applicant, opined that the project would add value to the homes in the neighborhood, the number of residents living in the project would be approximately 120 people, the project is a balanced approach, and they have addressed neighborhood concerns.

Ethelita Wallace, Appellant, advocated for a new and higher fence to be built before the start of the construction. She requested the Council consider the negative impact on the neighborhood.

Doug Werner, Appellant, stated that he is not opposed to the project but to the project as proposed. He advocated for the Council to reject the current proposal and address solutions to the concerns raised.

Scott Ward, Applicant, in response to Council questions, stated it would take them approximately a week to have the updated project plans available.

Mayor Howe closed the Public Hearing at 11:17 p.m.

Councilmember Swegles moved, and Councilmember Fowler seconded, to approve Alternative 2, deny the appeal and thereby approve the Special Development Permit and Tentative Map with the modifications that the developer provide a contact person, provide cleanup for the residents, that the garages are for cars only, and the units have individual trash pick up.

Councilmember Fowler offered a friendly amendment to require opaque non-operable windows on the third floor of the end units on the southern facade to insure privacy. The amendment was accepted.

Councilmember Fowler offered a friendly amendment to require a 12 foot masonry fence along the back of the development. The amendment was accepted.

Councilmember Fowler offered a friendly amendment to direct staff to work with the applicant to remove the 500 square feet from the third floor of the end units. The amendment was accepted.

Councilmember Hamilton offered a friendly amendment that the design conform with the 20 foot height level, 75 feet rear setback design. The amendment was not accepted.

Vice Mayor Chu offered a friendly amendment that the 12 foot fence materials be worked out between the neighbors and the developer, and that the Director of Community Development review and approve the fence. The amendment was accepted.

Councilmember Lee moved a substitute motion, and Councilmember Miller seconded, to continue the appeal application to October 26, 2004 for the purpose of discussing individual trash pickup, loss of landscaping, the masonry wall, consideration of removal of one floor and reducing the height of the seven units on the south end of the project as options for the developer, the neighbors and staff to consider in its efforts to work out a resolution to the building architectural issues. The motion carried with Councilmembers Fowler, Hamilton and Swegles dissenting